

**PATENT**

**DOCKET NO.: MSFT-0672/158461.01**

**Application No.: 09/995,224**

**Office Action Dated: May 5, 2005**



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**In re Application of:**

**Adrian Conor Klein, Marcelo Aizenstein  
Furman Calbucci, Jerald Lee Hittle, Ramez  
Naam, Jeffrey Carey Reynar, Ziyi Wang**

**Confirmation No.: 9650**

**Application No.: 09/995,224**

**Group Art Unit: 2176**

**Filing Date: November 26, 2001**

**Examiner: Laurie Anne Ries**

**For: Smart Links**

**EXPRESS MAIL LABEL NO:**

**DATE OF DEPOSIT:**

**Mail Stop AF**

**Commissioner for Patents**

**P.O. Box 1450**

**Alexandria, VA 22313-1450**

**Sir:**

**DECLARATION PURSUANT TO 37 C.F.R. 1.131**

**I, Jerald Hittle, declare and say that:**

- 1. I am an inventor of the invention described and claimed in U.S.**

**Patent Application No. 09/995,224 (the above-identified application,**

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hereinafter "the '224 application"), which was filed with the United States Patent and Trademark Office on November 26, 2001.

2. As inventor, I am familiar with the '224 application and the Smart Links architecture it describes and claims.

3. All other inventors of the '224 application, including Adrian Conor Klein, Marcelo Aizenstein Furman Calbucci, Ramez Naam, Jeffrey Carey Reynar and Ziyi Wang are no longer employees at Microsoft.

4. It is my understanding that U.S. Patent Application Publication No. US 2002/0069223 ("Goodisman") and U.S. Patent Application Publication No. US 2002/0123912 ("Subramanian") are two references that have been cited by the United States Patent and Trademark Office in connection with the outstanding Official Action, dated May 5, 2005, being applied to the present application.

5. In accordance with 37 CFR § 1.131, as inventor of the subject matter of the rejected claims, and without conceding the propriety of the outstanding rejections, I hereby declare that I am an inventor of the subject matter of the rejected claims prior to October 31, 2000, the earliest possible effective date of the Subramanian reference, and prior to November 17, 2000, the earliest possible effective date of the Goodisman reference, and thus I am a prior inventor as referred to in that Section.

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6. With regard to evidence, I am aware that Richard Gerschwiler supervised the testing and implementation of the Smart Links project. As test supervisor, Richard Gerschwiler worked alongside inventors Adrian Klein and Mario Calbucci, and was intimately familiar with implementation of the Smart Links architecture and the subject matter of the '224 application. Accordingly, I believe Mr. Gerschwiler to be familiar with dates, which are relevant to conception and subsequent diligence by the inventors to reduction to practice of the Smart Links architecture, as claimed in the '224 application.

7. I understand that Richard Gerschwiler is making a separate declaration providing more detailed evidence, including email and power point slides, that provide further support for my statements herein. Additionally, I have reviewed Mr. Gerschwiler's Declaration, and support all of the facts set forth therein, to the best of my knowledge.

8. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information or belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or by imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful statements may jeopardize the validity of

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the application, any patent issuing there upon, or any patent to which this  
verified statement is directed.

Date: 6/10/2005  
Jerald R. Little

Jerald Lee Hittle